IN THE HIGH COURT OF JUDICATURE AT BOMBAY

IN ITS INSOLVENCY JURISDICTION

NOTICE OF MOTION NO.180 OF 2006
IN
PETITION NO.55 OF 1996

Re: Harkishan Keshavdas Kothari & anr. .. Insolvents.
Ex-parte:
Bank of Baroda & anr. .. Petitioning Creditor

Harkishan Keshavdas Kothari ..Applicant No.1.
Mrs. Prafulla Karkishan Kothari ..Applicant No.2.

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Mr. A.B. S hinde for the Claimant.
Ms. M.P. Bhave for the Applicant.
Mr. Y.C. Parikh, Official Assignee present.

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CORAM: DR. D.Y. CHANDRACHUD, J.

21st November, 2006.

P.C. :

In this Notice of Motion, the prayer that has been made is that Insolvent No.1 may be permitted to visit Singapore for a period of six months. In the affidavit in support, it has been stated that the daughter of the First and Second Insolvents who resides in Singapore is a Thalasaemic patient; that she has a small child six years of age and that she has delivered a child recently on 25th January, 2006 who needs to be looked after. An earlier order was

passed on 7th July, 2006 on a Notice of Motion (Notice of Motion 108 of 2006) permitting Applicant No.2 to go abroad on the condition that she would return to India within a period of six months. The passport of Applicant No.1 was directed, however, to be retained with the Official Assignee. The Court is now informed that Applicant No.2 was unable to leave India and that as a result her passport continues to be in the possession of the Official Assignee. Having regard to the reasons set out in the affidavit in support of the Motion, permission is granted to Applicant No.1 to visit Singapore for a period not exceeding six months from 1st December, 2006 subject to the condition that Applicant No.1 shall furnish an undertaking to return to India on or before the expiry of the said period of six months. The passport of Insolvent No.2 shall continue to remain in the custody of the Official Assignee. In addition, the amount of Rs. 1 lac which has already been furnished as and by way of security shall continue to remain in deposit with the Official Assignee. Insolvent No.1 shall furnish the address and telephone number of his place of residence in Singapore and keep the Official Assignee informed if there is any change therein. Subject to the due fulfillment of the aforesaid conditions, the Official Assignee shall hand over the passport of Insolvent No.1 to

Insolvent No.1. Insolvent No.1 would be at liberty to travel to Singapore on the condition that he shall return to India within a period of six months from 1st December, 2006. The Motion is accordingly disposed of.